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PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: 10/518,331 )  
)  
Filed: June 27, 2005 )  
)  
For: BREATHING ASSISTANCE )  
APPARATUS )  
)  
Inventor: Wixey et al. )  
)  
Art Unit: 3743 )  
)  
Attorney Docket No.: )  
2272/42323/150-PCT-US )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 16, 2006

Dated

*Johanna E. Cronin*

Johanna E. Cronin

STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant, by and through its attorneys of record, respectfully requests a report as to the status of the Corrected Filing Receipt in the above-noted application. A Request for Corrected Filing Receipt, copy enclosed, was filed on October 17, 2005. As of the date of this letter, the online records of the United States Patent and Trademark Office (the PAIR system) have not been updated in conformance with our afore-mentioned Requests, nor has a Corrected Filing Receipt been received in this matter. Applicant encloses a copy of the returned postcard for the Request for Corrected Filing Receipt which was acknowledged by the United States Patent and Trademark Office. Applicant requests that the United States Patent and Trademark Office issue a Corrected Filing Receipt in conformance with changes made in the previously submitted Request for Corrected Filing Receipt.

If there are any questions or comments, please contact either of the undersigned attorneys.

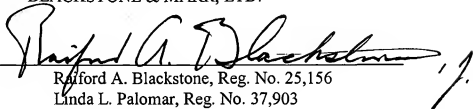
Respectfully submitted,

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.

Dated:

Feb 16, 2006

By:



Raiford A. Blackstone, Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

Attorneys for Applicant

105 West Adams Street, Suite 3600

Chicago, Illinois 60603-6299

(312) 704-1890



1170/42323  
Case 150-PCT

October 17, 2005  
RAB/LLP/tes

Serial No.: 10/518,331  
Filed: December 15, 2004  
Inventors: Wixey et al.  
For: **BREATHING ASSISTANCE APPARATUS**

Enclosed: **REQUEST FOR CORRECTED FILING RECEIPT**; A copy of the Filing Receipt; Revised Application Data Sheet; Certificate of First Class Mailing, and this receipt card.

Receipt Acknowledges

**RECEIVED**

OCT 27 2005

F/U: 11/17/05



**TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.**  
HON. COMMISSIONER FOR PATENTS

Kindly stamp card with date of receipt of attached material and attorneys of record.

NO VA 220

21 OCT 2005 PM 5 L



**TREXLER, BUSHNELL, GIANGIORGI,  
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105 WEST ADAMS STREET, 36TH FLOOR  
CHICAGO, IL 60603-6299

C002





IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re application of:

Applicant: Wixey et al.

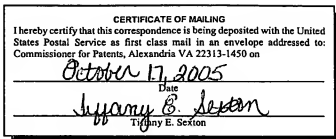
For: BREATHING ASSISTANCE  
APPARATUS

Serial No.: 10/518,331

Filed: December 15, 2004

Art Unit: 3743

Atty. Docket No.: 1171/42323/150-PCT-US )



REQUEST FOR CORRECTED FILING RECEIPT

Office of Initial Patent Examination Customer Service Center  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a copy of the Filing Receipt received in the above-identified application.

This Filing Receipt is in error because it lists the residence of inventor Christopher Earl Nightingale as Poplar, United Kingdom, when in fact it should be London, United Kingdom as indicated on the revised Application Data Sheet, copy enclosed.

Please make this change and forward a corrected Filing Receipt to us.

It is believed that no fee is required. If such a fee is required, however, the Commissioner is authorized to charge Deposit account No. 20-1495 for this fee and any amount necessary to cover any additional costs associated with this Request or to credit any overpayment.

Respectfully submitted,

Date: Oct 17, 2005

By: Railford A. Blackstone, Jr.

Railford A. Blackstone, Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Attorney for Applicant  
TREXLER, BUSHNELL, GIANGIORGI,  
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UNITED STATES PATENT AND TRADEMARK OFFICE


 J. P. H. Case 150-PCT-  
 US  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/518,331	06/27/2005	3743	1390	(1171/42323) Case 150-PCT	13	15	1

 00279  
 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.  
 105 WEST ADAMS STREET  
 SUITE 3600  
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RECEIVED

AUG 1 2 2005

CONFIRMATION NO. 5738

FILING RECEIPT



\*0C000000015603699\*

 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.

Date Mailed: 08/04/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

 David Fraser Wixey, Auckland, NEW ZEALAND;  
 Alastair Edwin McAuley, Auckland, NEW ZEALAND;  
 Christopher Earl Nightingale, ~~Poplar, UNITED KINGDOM~~; London, United Kingdom  
 Lewis George Gradon, Auckland, NEW ZEALAND;  
 Ivan Milivojevic, Auckland, NEW ZEALAND;

**Power of Attorney:** The patent practitioners associated with Customer Number 00279.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/NZ03/00152 07/11/2003

**Foreign Applications**

NEW ZEALAND 520167 07/12/2002

**Projected Publication Date:** To Be Determined - pending completion of Security Review

**CASE:**
**Non-Publication Request:** No

**FILE #:**
**Early Publication Request:** No

**DUE**
**DUE**

**Title**

Breathing assistance apparatus

**Preliminary Class**

128

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.0

Title of Invention	BREATHING ASSISTANCE APPARATUS		
Application Type: regular, utility Attorney Docket Number: 1171/42323			
Correspondence address: Customer Number: 00279 *00279*			
Continuing Data:  This is a National Stage of IB application number PCT/NZ03/000152, filed 2003-07-11, now PUBLISHED AS WO 2004/007010.			
Priority Data:  Doc.No: 520167; Country - NZ; Date: 2002-07-12 us-priority-claimed			
Inventors Information:  <u>Inventor 1:</u> Applicant Authority Type: Inventor Citizenship: NZ Given Name: DAVID Middle Name: FRASER Family Name: WIXEY City of Residence: AUCKLAND Country of Residence: NZ Address-1 of Mailing Address: 51B DIGNAN STREET Address-2 of Mailing Address: POINT CHEVALIER City of Mailing Address: AUCKLAND State of Mailing Address: Postal Code of Mailing Country of Mailing Address: NZ			



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Attorney Information:

practitioner(s) at Customer Number:

00279

\*00279\*

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.